(44)

IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Suit No..... 59/1 of 2025.

Date of Institution..... 22.07.2025.

Date of Decision.....19.12.2025.

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Mst. Niaz Marjana W/O Ali Man Shah R/O Qoum Ali Khel, Tappa Jasrat Khel, Tehsil Upper, District Orakzai.

.....(Plaintiff)

Versus

Assistant Director NADRA, Orakzai through representative.

..... (Defendant)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

19.12.2025

This judgment decides instant case filed by Mst. Niaz Marjana for removal of the names of Muhammad Khalid, Muhammad Habib, Muhammad Nabi and Muhammad Umar from her family tree maintained by defendant.

Pleadings:

The claim as related in the plaint reads that plaintiff is the 2nd wife of Ali Man Shah and she has only one daughter namely Mst. Samina Bibi while defendant has wrongly recorded Muhammad Khalid, Muhammad Habib, Muhammad Nabi and Muhammad Umar as her real sons, however; Muhammad Khalid,

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Muhammad Habib are her stepsons while the other two are Afghan citizens. It is alleged that when defendant was requested directly to rectify the mistake they declined, hence the present suit.

In rebuttal, the defendant has raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that all the particulars regarding sons was supplied by the plaintiff herself and are recorded correctly. He further stated that plaintiff deliberately facilitated the insertion of the alleged foreigner into her family tree, which is an offence.

Defendant has filed an application u/o 07 rule 11. Arguments on the said application heard.

The petition of Order 07 Rule 11 was filed on the ground that since the CNICs were blocked on the ground of presence of foreigners in the family tree of the plaintiffs, therefore, she does not have a cause of action for a civil suit. The contention is not correct, as the CNICs of the plaintiff were blocked which effectively deprives her of all the rights and benefits of citizenship, which is not mandated under the law. Therefore, the court understands that the plaintiff has disclosed a cause of action, and that petition on the ground is not attracted.

The controversy as related in the pleadings was distilled into the following issues:

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Issues:

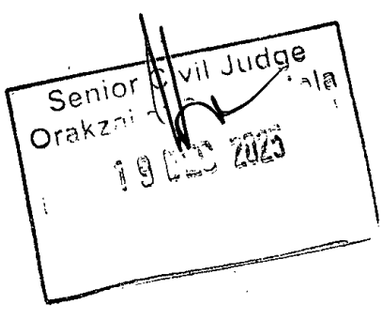
1. Whether suit is valid in its legal frame, and the court is competent to hear it?
2. Whether Muhammad Khalid, Muhammad Habib, Muhammad Nabi and Muhammad Umar are real sons of the plaintiff while defendant has wrongly entered their names in the FRC of plaintiff?
3. Relief.

Thereafter, both sides were invited to produce their evidence to establish the positions they had taken in their pleadings.

Witnesses/Exhibits:

Mr. Ali Man Shah, the husband of the plaintiff appeared as PW-01, Mst. Niaz Marjana, the plaintiff herself as PW-02 and Mst. Noor Mat Khela (1st wife of Ali Man Shah), as PW-03. They have exhibited the following documents;

- Copy of CNIC of PW-01 as Ex.PW-1/1
- Copy of CNIC of plaintiff as Ex. PW-2/1.
- Copy of CNIC of PW-3 as Ex.PW-3/1.
- Copy of marriage certificate (Nikah Nama) of PW-03 as Ex.PW-3/2.



Reasons/Reasoning:

Issue wise reasoning of the court following ruling on each issue, and finally on the suit is as follows:

Issue No 01:

This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiff has sought removal of the aforementioned names from her FRC, which clearly is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure code. Other objections such as limitation etc. were not rigorously pressed, and upon examination of the corpus of the case by the court, were found inapplicable. Therefore, the issue is decided for the plaintiff.

Issue No 02:

This issue houses the heart of the suit: Removal of names from the FRC of plaintiff.

Mr. Ali Man Shah, the husband of the plaintiff, took the stand as PW-01, admitted the contents of the plaint. He further admitted that plaintiff is his 2nd wife and she has only one daughter Mst. Samina Bibi.

Mst. Niaz Marjana, the plaintiff herself, took the stand as PW-02. She supported her stance. She further narrated the same story as in the plaint and requested for decree of the suit.

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Mst. Noor Mat Khela, took the stand as PW-3. She narrated the same story as in the plaint and requested for decree of the suit in favor of plaintiff.

All witnesses including plaintiff herself have consistently held the position as claimed. Of particular significance is the statement of Mst. Niaz Marjana that Muhammad Khalid, Muhammad Habib, Muhammad Nabi and Muhammad Umar are not her real sons.

Muhammad Khalid, in a parallel suit seeking unblocking of his CNIC, has also confirmed the facts averred in the plaint.

Clearly, records as maintained by the defendants are not representative of actual facts, and therefore are liable to correction. The issue, in view of the discussion above, is decided for the plaintiff. In view of the foregone, the issue is decided for the plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendant as prayed for. Names of Muhammad Nabi and Muhammad Umar, who are foreigners be removed from the family tree of the plaintiff. Similarly, Muhammad Khalid and Muhammad Habib, who are step children of the plaintiff, be recorded accordingly to reflect facts. Needless to say, that federal authorities are at liberty to prosecute the plaintiff under relevant laws for all/any offence

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of which she is suspected to be guilty or that led to the blocking of her CNIC.

Defendant shall bring their records in line with this judgment. Costs shall follow the event.

File be consigned to record room after its necessary completion and compilation.

(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

ANNOUNCED
19.12.2025

CERTIFICATE

It is certified that this judgment consists of 06 (Six) pages. Each page has been dictated, read, corrected and signed by me.

(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)